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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/816,749

04/02/2004

Richard C. E. Durrant

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7590

02/09/2005

Karl D. Kovach
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EXAMINER

HESS, DANIEL A

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,749

Applicant(s)

DURRANT ET AL.

Examiner

Daniel A Hess

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 14, 16, 18 and 20-30 is/are rejected.
- 7) ☒ Claim(s) 11, 13, 15, 17 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/4; 8/24; 4/2/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is in response to applicant's filing of 4/2/2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 12, 14, 21, 22 and 24-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Stanescu (US 6,784,802).

Re claim 1: Each limitation is listed in italics, followed by the associated teaching in Stanescu. Noteworthy portions are in bold. Figure 1 should be reviewed as well.

A device comprising:

a fiber optic cable;

a transponder attached to the fiber optic cable;

Stanescu teaches (column 5, lines 45-65):

“The **Transponders** (Tags)

These are smart labels that contain information, which can be both read and written (modified), through a wireless interface.

One **transponder will be attached at each end of the patch cord** or cable.

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They can be embedded (over-molded) in the plugs or their boots, glued or simply wrapped around if incorporated in the form of a label.

They can be programmed at installation, e.g., through the "Local Monitoring Unit" or "Field Programmable Unit," can be factory installed and programmed, and can be used to trace the cords for stock or asset management.

The **transponder** corresponding to each plug stores information about the cable and the cabling system at its level in the hierarchy.

They can be either mounted on copper or **fiber optic patch cords**."

a panel;

an antenna positioned adjacent to the panel; and

a transceiver electrically connected to the antenna.

Stanescu teaches (column 6, lines 4-18):

"The Readers

The readers include **miniature antennas attached to each jack**. They further include sensors that can be embedded, e.g., over-molded in each jack or can be presented as multiple readers, each reader corresponding to a jack. They can be put together on a PCB, on the same PCB with the jack circuit, mounted above ports on a **patch panel** or embedded in the **patch panel**.

The readers corresponding to a **patch panel** are connected together through a serial interface, for example having 3 wires, and then the cable of each patch panel daisy-chained to the next, the last one going to the "Local Monitoring Unit."

Here it is to be noted that the readers are indeed transceivers, in as much as they communicate with the transponders. The transponders communicate with their respective jacks when there is sufficient proximity.

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Re claim 2: As noted above, Stanescu recites that “One transponder will be attached at each **end** of the patch cord or cable” (column 5, lines 45-65). Further, figure 1 includes the caption, “Transponder Installed on This Plug.”

Re claim 3: The transponders are described (column 5, lines 45-65) as “smart labels” – by ‘smart’ what is meant is that a chip is contained. Every transponder contains an antenna.

Re claim 4: Each antenna is attached to a jack which can be considered a substrate; each jack is mounted to the panel.

Re claim 5: See discussion re claims 1 and 4, above.

Re claim 6: See discussion re claim 2, above.

Re claim 7: See discussion re claim 3, above.

Re claim 8: See discussion re claims 1 and 4, above.

Re claim 9: The system uses RFID, which features a ‘unique code’ (column 3, line 46).

Re claim 10: This is inherent: all cables have a length.

Re claim 12: It is stated (column 4, lines 1-5) that there is conformity to an industrial standard.

Re claim 14: It is inherent. Optical fibers generally have a grade associated therewith.

Re claims 21 and 22: See discussion re claim 1 above.

Re claims 24 and 25: The cable may be (column 5, lines 64-65) either copper wire or fiber.

Re claims 26-28 and 30: See discussion re claims 1 and 4.

Re claim 29: See discussion re claims 1, 4 and 23.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 16, 18, 20, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanescu as applied to claim 1 above.

Re claim 16: Most optical fiber is purchased before it is used.

Re claim 18: Most industrial supplies including fiber, are protected under warranty.

Re claim 20: Most fiber connectors are made of polymer.

Re claim 23: The jack of Stanescu, to which the connector connects, may be optoelectronic; normally at the ends of fiber signals is conversion to electrical signals, since computers are electrical and not optical.

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Allowable Subject Matter

Claims 11, 13, 15, 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

While it can be expected for any fiber to (a) have a length, (b), have a particular industrial standard to which it conforms, (c) have a particular grade, (d) have a particular purchase date and (e) have some kind of warranty, it is neither taught nor is there motivation for this information to be carried on the transponder attached to the cable of Stanescu.

Conclusion

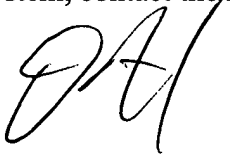
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bohannon (US 6,847,856) is a very similar applications of RFID that could be used in 102 rejection for at least some claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DH

DANIEL STCYR
PRIMARY EXAMINER

